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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,419	10/23/2001	Ludwig Ertl	GR99P1708	9767

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EXAMINER

CHANG, JON CARLTON

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 03/22/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,419

Applicant(s)

ERTL ET AL.

Examiner

Jon Chang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-7,10 and 11 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Applicants' Amendment and Remarks

1. The amendment filed January 7, 2004, has been entered and made of record.

The Examiner notes that Applicants have not provided a copy of the international application PCT/EP00/02961 as required by the Examiner (last Office Action, paper no.6, page 2, item 1).

In response to the amendment to claim 5, the objection to the specification and the rejection under 35 U.S.C. § 112, first paragraph, are withdrawn.

In response to the amendment to claim 1, the rejections under 35 U.S.C. §§ 102 and 103 are withdrawn. Claim 1 has been amended to include the subject matter of claim 3, which was indicated as allowable in the last Office Action.

With regard to rejection under 35 U.S.C. § 112, second paragraph, Applicants state that the term "register" is defined as "to record automatically," and requests that the rejection be withdrawn. It is the Examiner's opinion that even with this definition of the term, the claim language is still unclear. For example, interpreting "register" using the definition provided by Applicants, the language would read, "said camera has optics that record automatically at least approximately in a region between the passenger and the dashboard." This is unclear for a number of reasons:

- 1) Optics are merely light gathering elements, e.g., lenses. They do not record anything. Sensors can record, but not lenses.
- 2) The term register is usually used in the art to indicate recording of an image, i.e., "register an image." The claim language appears to be missing some text, as it does

not indicate what is being registered. The language only indicates that the optics "register at least approximately in a region..."

3) The language is vague enough to be interpreted to mean that the optics are in the region between the passenger and the dashboard.

The Examiner does not know Applicants' intent for the claim language. If the intent was to indicate that the optics view (in the field of view sense) the region between the passenger and the dashboard, or that the camera captures images of that region, then the claim should be amended accordingly.

Priority

2. Applicants have not provided a copy international application PCT/EP00/02961, to which Applicants are claiming benefit of priority. Pursuant to MPEP 1895, the Examiner requires Applicants to provide a copy of the PCT application in order to perfect Applicants' claim for benefit under 35 U.S.C. 120 and 365(c).

Claim Rejections - 35 USC § 112

3. Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, "said camera has optics that register..." This language is vague as to its meaning.

Claim 9 depends from claim 8.

Allowable Subject Matter

4. Claims 1, 2, 4-7 and 10-11 are allowed.
5. Claims 8-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


The Examiner considers claim 5 to require the limitations of claim 1, and is therefore allowable along with claim 1.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Chang whose telephone number is (703)305-8439. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jon Chang
Primary Examiner
Art Unit 2623

Jon Chang
March 19, 2004